

REMARKS/ARGUMENTS

Claims 1 and 2 are pending in the present application. Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Bacon (U.S. Patent No. 4,776,062). Applicant respectfully traverses this rejection.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by Bacon. Anticipation "requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee." Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2d 1101, 1103 (Fed. Cir. 1995). "[P]rior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference." Elan Pharms., Inc. v. Mayo Foundation for Medical Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q.2d 1292 (Fed. Cir. 2002) (citing In re Robertson, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571 7 U.S.P.Q.2d 1057, 1064 (Fed. Cir. 1988)). "The single reference must describe and enable the claimed invention, including all claim limitations, with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention." Id. (citing Crown Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375, 62 U.S.P.Q.2d 1917, 1921 (Fed. Cir. 2002); In re Spada, 911 F.2d 705, 708 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)). See also PPG Indus.,

Inc. v. Guardian Indus. Corp., 75 F.3d 1558, 1566, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996) (emphasis added).

Independent claim 1 requires, in part, the step of "placing a hollow conical shaped restrictor on the stuffing tube". In contrast, Bacon teaches a pipe 18 that terminates in a nozzle 30, through which sausage meat is forced, the sausage casing being entrained by the meat as it passes out of the nozzle (col. 2, lines 57-60). There is no hollow conical shaped restrictor placed on pipe 18. Rather, the only conical shaped restrictor, as shown by reference numeral 36 in Figs. 2 and 3, is mounted separate and apart from pipe 18. Accordingly, because the Bacon device does not show a hollow conical shaped restrictor on the stuffing tube as is required by Applicant's claim 1, each and every claim limitation is not present and the rejection to claim 1 should be withdrawn.

Claim 2 in part requires "a follower slidably mounted on the stuffing tube adjacent an end of the natural casing nearest the first end of the stuffing tube." Again, Bacon does not disclose a follower slidably mounted on the stuffing tube. The Examiner has not identified, nor can applicant find, any such structure that is mounted on pipe 18. Accordingly, Bacon does not teach each and every limitation of claim 2 and therefore the anticipation rejection must be withdrawn.

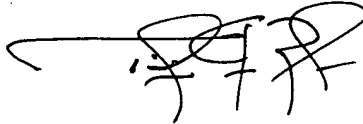
CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200. All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension

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inadvertently omitted, and charge any additional fees to Deposit
Account 50-2098.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Timothy J. Zarley', with a long horizontal line extending to the left.

Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

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